

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ANDRE DOLBERRY,

Plaintiff,

DECISION AND ORDER

02-CV-6418L

v.

SERGEANT HEICHT, et al.,

Defendants.

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On November 10, 2009, plaintiff Andre Dolberry filed a two-page motion “for an order dismissing defendants’ defense(s).” Dkt. #304.

Contrary to the assertions made by plaintiff, the evidence does not demonstrate as a matter of law that plaintiff is entitled to the relief that he seeks. Plaintiff’s motion is therefore denied.

**CONCLUSION**

Plaintiff’s motion to dismiss (Dkt. #304) is denied.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
December 9, 2009.